



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

CCB/169284

PRELIMINARY RECITALS

Pursuant to a petition filed October 08, 2015, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Kenosha County Human Service Department in regard to Child Care, a hearing was held on October 27, 2015, at Kenosha, Wisconsin.

The issue for determination is whether the agency correctly denied the petitioner's application for childcare assistance.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Children and Families
201 East Washington Avenue, Room G200
Madison, Wisconsin 53703

By: Karen Mayer

Kenosha County Human Service Department
8600 Sheridan Road
Kenosha, WI 53143

ADMINISTRATIVE LAW JUDGE:

Corinne Balter

Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of Kenosha County.
2. On August 7, 2015 the petitioner applied for childcare assistance. The petitioner was living with her children and father of at least one of the children.

3. On August 13, 2015 the agency sent the petitioner a notice stating that they needed verification of the household income. This included wage verification for the petitioner and the father. This verification was due by August 24, 2015.
4. On August 17, 2015 the agency received incomplete employment verification for the petitioner's employment. The form stated the petitioner's hourly wages, but not the number of hours worked per pay period. The agency never received verification of the father's employment and income.
5. On August 25, 2015 the agency sent the petitioner a notice stating that her application for childcare assistance was denied for failing to provide the requested verification.
6. On August 27, 2015 the petitioner called the agency to inquire about what was needed for her to receive childcare assistance.
7. On September 16, 2015 the agency received verification of the petitioner's income. The agency also received verification of the father's income from his [REDACTED]. The father also works part-time for the [REDACTED]. The agency did not receive verification of his [REDACTED] income.
8. On September 16, 2015 the agency sent the petitioner a notice stating that they needed verification of the father's [REDACTED] income. The due date for that verification was September 24, 2015. The agency did not receive that verification.
9. On September 25, 2015 the agency sent the petitioner a second notice stating her application for childcare assistance was denied for failing to provide the requested verification.
10. On October 8, 2015 the Division of Hearings and Appeals received the petitioner's Request for Fair Hearing.

DISCUSSION

Wis. Stat., §49.155 authorizes the department to operate a child care subsidy for Wisconsin Works (W-2) recipients and working parents. The department has a Child Day Care Manual that provides the specific policies for the program.

A parent is eligible for child care services if she needs the care to attend W-2 approved school, to work, or to participate in W-2 activities. Wis. Stat., §49.155(1m)(a); Child Day Care Manual, Chapter 1, §1.5.0. Income must be verified before eligibility can be granted. Manual, Chap. 1, §1.7.2. Typically the person is allowed seven business days to verify. Manual, Chap. 1, §1.3.2. Where verification is not received timely, the county must send a notice denying eligibility and telling the applicant that verification is missing. Manual, Chap. 1, §1.3.4. If verification is then received within 30 days of the last day of the application month, authorization can go as far back as the last Sunday of the month prior to the application month. Id.

In this case the petitioner did not provide verification of the father's [REDACTED] income within 30 days of the last day of the application month. The application month was August 2015. By the end of September 2015 the agency had not received verification of the father's [REDACTED] income. The petitioner had provided verification of her income and the father's [REDACTED] income. The agency is required to verify all income. The petitioner failed to provide that, and the agency correctly denied her application for childcare assistance.

CONCLUSIONS OF LAW

The agency correctly denied the petitioner's application for childcare assistance.

THEREFORE, it is

ORDERED

That the petitioner is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Children and Families, 201 East Washington Avenue, Room G200, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 2nd day of December, 2015

\sCorinne Balter
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on December 2, 2015.

Kenosha County Human Service Department
Child Care Benefits